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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,199	06/23/2003	Charles D. Black	STRI-020	2200
7590	03/24/2006		EXAMINER KIM, SANG K	
Michael S. Neustel Suite No. 4 2534 South University Drive Fargo, ND 58103			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/602,199	BLACK, CHARLES D.	
	Examiner	Art Unit	
	SANG KIM	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-11 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 2-4,12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-11 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Black et al., U.S. Patent No. 5664739.

With respect to claim 1, Black '739 shows an end member (14) including a tongue member (106) extending from an end shoulder (62), wherein said tongue member has a plurality of teeth on opposing sides (104); and a handle structure (38) including a first prong (128) and a second prong (128); wherein said first prong includes a first engaging member (136) and a first positive member (shoulder to right of 136); wherein said second prong includes a second engaging member (136) includes a second positive member (shoulder to right of 136); wherein said engaging members and said positive members catchably engage said teeth, see figures 8-13 and illustrations below.

With respect to claim 5, Black '739 shows the positive members are nub structures, see figure 13.

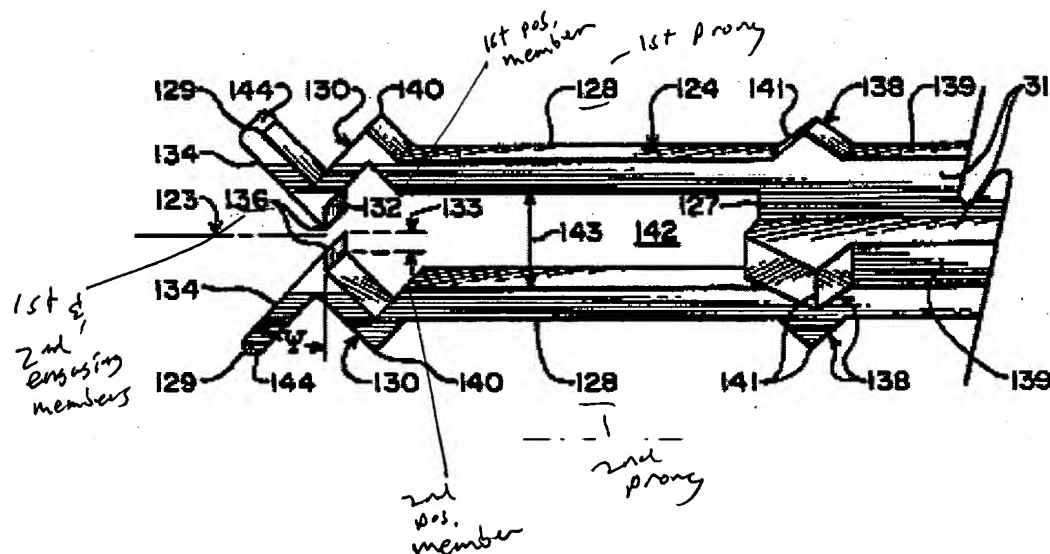
With respect to claims 6-8, Black '739 shows the plurality of teeth transverse with respect to a longitudinal axis (123) of the tongue member, which is a flat structure.

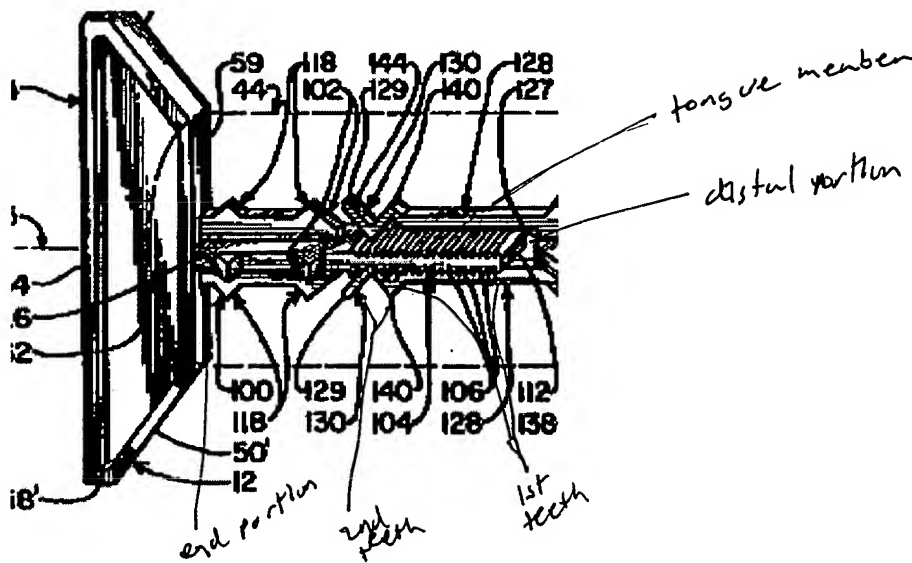
With respect to claims 9-10, Black '739 shows the plurality of teeth (104) are comprised of a plurality of first teeth (i.e., a first half of teeth) and a plurality of second

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teeth (i.e., a second half of teeth), wherein said first teeth extend from a distal portion of said tongue member, wherein said second teeth extend from said tongue member between said first teeth and said end shoulder (62), and wherein said engaging members catchably engage said second teeth (i.e., a second half of teeth) and wherein said positive members catchably engage said first teeth.

With respect to claims 11 and 15-20, as stated above, Black '739 teaches applicant's claimed device in an alternative embodiment by reversing the structure to have the handle with the tongue member and the end member to include the prongs without changing the spirit or scope of the invention, see column 8, lines 65-67, through column 9, lines 1-5.





Allowable Subject Matter

Claims 2-4 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed on 2/7/06 have been fully considered but they are not persuasive with respect to claims 1-20.

Applicant argues that Black '739 fails to teach first and second positive members engaging the teeth because Black '739 fails to show the shoulders 136 touching the teeth as recited in claims 1 and 11. Furthermore, applicant asserts adamantly that the '739 patent shows in figures 9 and 10, wherein the shoulders 136 do not even touch the teeth.

Examiner would like to point to applicant to look at figures 8-13 again, and especially in column 8, lines 38-41. Black '739 discloses the slot height 143 is approximately equal to the height 119 of wedge 104, and thereby a contact between the positive members and the teeth is made when the shaft with teeth is inserted into the slot. For the reasons state above, Black '739 clearly anticipates applicant's claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

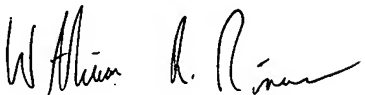
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

3/18/06


WILLIAM A. RIVERA
PRIMARY EXAMINER